

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE:</b>	<b>Nicole McDaniels,</b>	<b>: Chapter 13</b>
	<b>Debtor</b>	<b>: Case No. 21-13245-amc</b>
		<b>:</b>
<b>Delaware County Tax Claim Bureau</b>	<b>:</b>	
	<b>Movant</b>	<b>:</b>
	<b>vs.</b>	<b>:</b>
		<b>:</b>
<b>Nicole McDaniels and Anthony McDaniels, Sr.,</b>	<b>:</b>	
	<b>Respondents</b>	<b>:</b>
	<b>and</b>	<b>:</b>
<b>Kenneth E. West,</b>	<b>:</b>	
	<b>Trustee</b>	<b>:</b>

**MOTION OF THE DELAWARE COUNTY TAX CLAIM BUREAU  
FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 AND  
THE CO-DEBTOR STAY UNDER 11 U.S.C. §1301 OF THE UNITED STATES  
BANKRUPTCY CODE PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, the Delaware County Tax Claim Bureau, by and through its counsel, Toscani, Stathes & Zoeller, LLC, hereby request a termination of the Automatic Stay and Co-Debtor Stay and leave to sell certain property owned by debtor and the non-filing co-debtor and respectfully avers as follows:

1. Movant, the Tax Claim Bureau of Delaware County is a County Agency responsible for collecting past due real estate taxes in Delaware County, Pennsylvania.
2. Debtor, Nicole McDaniels (“Debtor”) is co-owner of 59 Price Avenue, Lansdowne, Delaware County, Pennsylvania, bearing Folio No.: 23-00-02773-00 (“subject premises”).
3. Upon information and belief, the non-filing co-owner of the subject premises is Anthony McDaniels, Sr. (“Co-Debtor”).
4. Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on December 8, 2021.

5. Prior to filing the Petition, Debtor and Co-Debtor were delinquent with the real estate taxes on the subject premises for the tax years 2018 through 2021 in the amount of \$26,697.78 plus interest. A true and correct copy of Proof of Claim No. 6 is attached hereto and made a part hereof as Exhibit "A".
6. After filing the Petition, Debtor and Co-Debtor became delinquent with the 2022 and 2023 real estate taxes due on the subject premises in the amount of \$14,478.88 plus interest and costs as of April 2024. A true and correct copy of the delinquent 2022 and 2023 real estate taxes due at the Delaware County Tax Claim Bureau are attached hereto, made a part hereof and collectively marked as Exhibit "B".
7. That Pennsylvania allows a tax claim bureau of a Second-Class County to add nine percent (9%) interest on all delinquent real estate taxes turned over to the tax claim bureau for collection. The application of the interest charge is authorized by Section 306 of the Real Estate Tax Sale Law, Act 542 of 1947 as amended. Codified at 72 P.S. §5860.101, *et seq.*
8. That interest at the rate of nine percent (9%) will continue to accrue on the delinquent real estate tax balance until the taxes, fees and costs are paid in full.
9. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay for "cause" which includes a lack of adequate protection of an interest in real estate.
10. Sufficient "cause" for relief from the stay under Section 362(d)(1) is established where a debtor has failed to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the property.
11. As set forth herein, Debtor and Co-Owner defaulted on the secured obligation to pay real estate taxes which is established by the real estate taxes being turned over to Movant for

collection. See Exhibit "B".

12. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable Court to grant relief from the automatic stay and the co-debtor stay, if applicable pursuant to 11 U.S.C. §1301, to allow the Delaware County Tax Claim Bureau to pursue its state court remedies, including listing the subject premises for a delinquent real estate tax sale.
13. The Delaware County Tax Claim Bureau is not adequately protected because the Debtor and Co-Debtor made no provision for the payment of the ongoing real estate taxes on the subject premises after the filing of the Petition. See Exhibit "B".
14. The Movant requests relief from Rule 4001 (a)(3) to sell the subject real estate in the next delinquent real estate tax sale.

**WHEREFORE**, the Delaware County Tax Claim Bureau respectfully requests this Honorable Court to enter an Order modifying the Automatic Stay and Co-Debtor Stay with regard to the Delaware County Tax Claim Bureau and 59 Price Avenue, Lansdowne, Delaware County, Pennsylvania, bearing Folio No.: 23-00-02773-00 to allow the Delaware County Tax Claim Bureau to sell said real property at the next available County Tax Sale and that Rule 4001 (a)(3) is not applicable to the Delaware County Tax Claim Bureau.

Respectfully submitted:

**TOSCANI, STATHES & ZOELLER, LLC**

**Dated: April 30, 2024**

**BY:** /s/ Stephen V. Bottiglieri  
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